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Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

HUEY-CHIANG LIOU,) No. C 07-5042 EDL

Plaintiff,)

v.)

MICHAEL B. MUKASEY,* United States)
 Attorney General; EMILIO GONZALEZ,)
 Director, U.S. Citizenship and Immigration)
 Services; JOSEPH P. RUSSONIELLO,)
 United States Attorney, California Northern)
 District; ROSEMARY MELVILLE, San)
 Francisco)
 District Director, U.S. Citizenship and)
 Immigration Services; ROBERT S.)
 MUELLER, Director of Federal Bureau of)
 Investigation,)

Defendants)

JOINT CASE MANAGEMENT
 STATEMENT; PROPOSED ORDER

Date: March 11, 2008
 Time: 10:00 a.m.
 Courtroom: E
 Honorable Elizabeth D. Laporte

The parties, by and through their attorneys of record, hereby respectfully submit this Joint Case Management Statement. The parties respectfully request the Court to adopt the schedule set forth below without need for a Case Management Conference.

1. Jurisdiction and Service: There are no issues concerning personal jurisdiction or venue.

*Pursuant to Fed. R. Civ. P. 25(d)(1), Michael B. Mukasey is substituted for his predecessor, Alberto Gonzales, as the United States Attorney General, and Joseph P. Russoniello is substituted for his predecessor, Scott Schools, as United States Attorney.

1 Plaintiff brought this Complaint under 28 U.S.C. §§ 1331, 1362, and 2201, the Administrative
2 Procedure Act, and 8 U.S.C. § 1447(b). All parties have been served.

3 2. Facts: On July 10, 2002, Plaintiff applied for naturalization. On March 12, 2003, Plaintiff
4 was interviewed by the U.S. Citizenship and Immigration Services. On October 1, 2007, Plaintiff
5 filed the instant Complaint. Defendants answered on December 4, 2007.

6 3. Legal Issues: The principal legal issue the parties dispute is whether the Court should
7 render a decision on Plaintiff's naturalization application in the absence of a completed name check.

8 4. Motions: Defendants will file a motion to remand this matter to the U.S. Citizenship and
9 Immigration Services.

10 5. Amendment of Pleadings: None.

11 6. Evidence Preservation: None.

12 7. Disclosures: The parties agree that this Court's review will be confined to the
13 administrative record and therefore this proceeding is exempt from the initial disclosure
14 requirements under Fed. R. Civ. P. 26.

15 8. Discovery: There has been no discovery to date and the parties believe this matter can be
16 resolved without discovery. No experts will be designated.

17 9. Class Actions: Not applicable.

18 10. Related Cases: None.

19 11. Relief: Plaintiff asks that the Court hear his case and render a judgment that he is entitled
20 to be naturalized and ask for an award of attorneys' fees. This case does not involve damages.

21 12. Settlement and ADR: The parties filed a Joint Request to Be Exempt From Formal ADR
22 on December 19, 2007.

23 13. Consent to Magistrate Judge for All Purposes: The parties have consented to assignment
24 of this case to a United States Magistrate Judge.

25 14. Other References: None.

26 15. Narrowing of Issues: None.

27 16. Expedited Schedule: The parties believe this matter can be solved through motions.

28 17. Scheduling: The parties suggest the following dates:

1 Last day for Defendants to file Motion to Remand: April 1, 2008

2 Last day for Plaintiff to file Opposition: April 15, 2008

3 Last day for Defendants to Reply: April 22, 2008

4 The parties request the Court to take the matter under submission without oral argument. Should
5 the Court prefer oral argument, the parties respectfully suggest the following date: May 6, 2008, at
6 9:00 a.m.

7 18. Trial: Should the Court deny the motion to remand, the parties request the court to
8 schedule a further case management conference to schedule a hearing date on Plaintiff's application
9 for naturalization.

10 19. Disclosure of Non-party Interested Entities or Persons: None.

11 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
12 matter: None.

13 Dated: March 4, 2008

Respectfully submitted,

14 JOSEPH P. RUSSONIELLO
15 United States Attorney

16 /s/
17 MELANIE L. PROCTOR¹
18 Assistant United States Attorney
Attorneys for Defendants

19 Dated: March 3, 2008

20 /s/
CINDY S. YAU
Attorneys for Plaintiff

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28 ¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any
signatures indicated by a "conformed" signature (/s/) within this efiled document.

PROPOSED ORDER

Pursuant to stipulation, IT IS SO ORDERED. The Case Management Conference is hereby VACATED. The Joint Case Management Statement is hereby adopted as the Case Management Order for the case, and the parties are ordered to comply with this Order.

Date:

ELIZABETH D. LAPORTE
United States Magistrate Judge